## DRAFT OGC HAS REVIEWED.

Approved For Release 2001/08/27: CIA-RDP79-00498A000500010016-8

Mr. Hampton Davis Assistant Chief of Protocol Department of State 2201 C Street, N. W. Washington, D. C. 20520 TKAFT.

Dear Mr. Davis:

An employee of this Agency received a rug from an official of a foreign government. It is a wool rug, approximately 3 1/2' x 5' in size, generally blue in color, and has an estimated value of \$600.

This foreign gift has been placed in the temporary custody of the Agency as property of the U. S. Government. Approval is requested to retain the rug in the CIA Headquarters Building for official use.

Sincerely,

F. W. M. Janney Director of Personnel

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0.00				asked us to check
3. Office of General Counsel				with Protocol to see what would be required to obtain
7D 01, Headquarters				approval to retain the STAT
:			<del> </del>	rug for official
				use. We were advised that
	·			a letter similar to the attached draft is all that
				would be required.
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				Protocol expects a form
				opinion from their legal staff within a week or so
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## DRAFT

Mr. Henry E. Catto, Jr. Chief of Protocol Department of State Washington, D. C. 20520

Dear Mr. Catto,

I have been advised of the following gifts which were presented to the Deputy Director of Central Intelligence by foreign officials:

STATINTL

2.
 3.
 4.

While the exact value of these gifts is not known, it has been estimated that each is worth more than \$50.

It is requested that you approve the Agency's retention of these items for display in the Headquarters Building at Langley, Virginia.

Sincerely,

F. W. M. Janney Director of Personnel

# CUNTIVENTIAL

Approved For Release 2001/08/27: CIA-RDP79-00498A000500010016-8

Executive Registry
26-1819/1

76-872

25X1A

7 April 1976

MEMORANDUM FOR: Director of Personnel

FROM

: Executive Assistant to the

Deputy Director of Central Intelligence

SUBJECT

: Gifts from Foreign Governments

1. In compliance with Headquarters Regulation and PL 89-673, 80 stat. 952, of October 16, 1966 (Foreign Gift & Decorations Act), the following described gifts, each of which exceeds \$50.00 in value, which were presented to the DDCI in the conduct of his official duties, are hereby reported for use and disposal as the property of the United States:



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- 2. It would be advantageous to the U.S. Government and the Agency if permission could be granted for the temporary loan of these items to the Agency for display in the Office of the Deputy Director of Central Intelligence.
- 3. It is requested that the identity of the donors not be reported to the Department of State, pending a determination of Agency policy, in order to protect the existence of sensitive intelligence liaison relationships.

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Executive Assistant to the DDCI

UNCLASSIFIED Approved For Re	ROUTIN	G AND	RECOR	D SHEET	THE Resembles	· · · · · · · · · · · · · · · · · · ·
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Director of Personnel			EXTENSION	NO. 76-	1897	
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TO: (Officer designation, room number, and building)	D	ATE		1		
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1. Deputy Director for					The Colonial Gildi E	comment
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Attn: Mr. 7 D 07, Hq.				otate, red	uesting approval	for the
3. Cover and Commercial Sta	tt			agency to	retain the difte	nracanta
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Executive Assistant/DDCI					requested.	2
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Director of Personnel 5 E 58, Hg.				•	or me in bailiney	
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Director of Personnel Room 5-E-58, Headquarters Attn: Mr. Janney

Please keep me advised of developments among State, and Central Cover We want to get this cleared up soonest. I will also discuss with the Director. among State, and Central Cover.

STATINTL

/s/ Jack Blake

Att: DD/A 76-1811

Deputy Director for Administration x5454 7D24

4/13/76

STATINTL

Att: DD/A 76-1811 - Memo to DCI from w/Atts; Subj: Disposition of Gifts from Foreign Governments and Officials, dtd 9 April 1976

Distribution:

Orig RS - D/OP w/cy Atts
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DD/A Fogistry

OGC 76-1804 9 April 1976

MEMORANDUM FOR: Director of Central Intelligence

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FROM

Acting General Counsel

SUBJECT

: Disposition of Gifts from Foreign Governments and

Officials

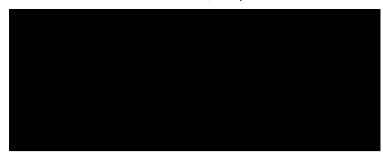
- 1. The purpose of this memorandum is to summarize the law and regulations affecting the receipt of foreign gifts by employees of the United States Government. A detailed memorandum on this subject prepared for the Deputy Director for Administration is attached.
- 2. The Constitution of the United States prohibits persons holding any "office of profit or trust" under the United States from accepting gifts from foreign governments without the consent of Congress. In 1966 Congress enacted a law which permits employees of the Government to accept gifts of minimal value from foreign governments, which include officials, agents or representatives of these governments. The President has delegated to the Secretary of State the authority to prescribe regulations to carry out the law. The regulations issued by the Secretary of State are applicable to this Agency.
- 3. Under State Department regulations, a gift of minimal value is one which has a retail value in the United States not in excess of \$50. A gift of more than a minimal value may be accepted if to refuse to do so would cause offense or embarrassment to the donor or adversely affect the foreign relations of the United States. Such gifts shall be deposited with the Chief of Protocol for disposition. They may, however, be retained for official use (such as display) by the recipient agency with the approval of the Chief of Protocol; the gift remains the property of the United States.

FOIAb5

where there exists a need to protect either the donor's or donee's security, cover, or covert relationship with this Agency. I have been advised that since 1966 very few gifts received by employees have been conveyed to the Chief of Protocol.

- 5. In providing guidance to the Director of Personnel, this Office in opinions dated 1968 and 1970 stated that the Agency was subject to the 1966 law and that gifts should be forwarded to the Chief of Protocol absent operational or security factors relating to the protection of intelligence sources and methods.
- 6. Since I December 1975 Agency representatives have been in contact with the Office of the Chief of Protocol attempting to work out an agreement or arrangement whereby we can securely notify that office of some or possibly all gifts received by Agency employees.

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Attachment

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FORM NO. 237

Use previous editions

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OGC 76-1803 8 April 1976

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT

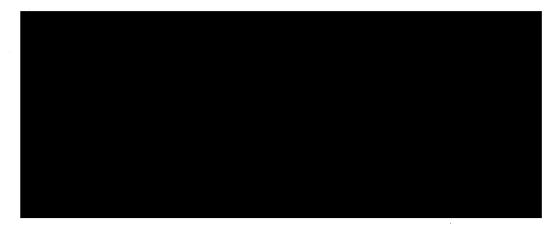
: The Law Applicable to Gifts From Foreign Governments and Officials and the Agency's

Application Thereof

- 1. As assistance to you in briefing the Director, the Acting General Counsel asked me to provide you with a memorandum which explains both the law and regulations applicable to acceptance, use and disposition of gifts from foreign governments or officials by Agency employees and the Agency's application of this law.
- 2. As you know, the Constitution of the United States provides at Article 1, Section 9, Clause 8:

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Prior to 1966 the law which evidenced this prohibition was found in 5 U.S.C. 115 and provided that "[a]ny present, decoration, or other thing which shall be conferred or presented by any foreign government to any officer of the United States" ...had to be... "tendered through the Department of State, and not to the individual in person,..." and that the item could not be delivered by the Department to the individual unless the Congress so authorized. Section 115(a) further provided that the Secretary of State was to provide the Congress with an annual list of the retired officers and employees for whom the Department was holding decorations, orders, medals or presents tendered by foreign governments. In 1958 the Office of General Counsel addressed these provisions and held:



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The net result of this opinion, when coupled with the security and cover considerations which, in many cases, prevented the Agency from submitting the names of its retired employees in the annual State report to Congress, was:

- A. The gifts were not tendered through, or deposited with, the Department;
- B. The Agency simply held most gifts in storage for long periods of time.

It is important to note also that under the pre-1966 law gifts were viewed as the property of the intended recipient and not the property of the Federal Government. Therefore, they were not subject to disposition by the Agency by some covert means.

3. Via Public Law 89-673, Congress gave, within certain limits, its general consent for employees to accept gifts and decorations from foreign governments. A gift of minimal value can now be accepted by an employee or a member of his household, but:

...[g]ifts of more than minimal value shall be deemed to have been accepted on behalf of the United States and shall be deposited by the donee for use and disposal as the property of the United States in accordance with the rules and regulations issued pursuant to this Act. Sec. 4, P.L. 89-673, 15 October 1966.

The authority to promulgate regulations under the Act was vested in the President who via Executive Order 11220 of 13 December 1966 delegated that authority to the Secretary of State. State regulations (3 FAM 621) prescribe

that a gift of minimal value is one which has a retail value in the United States not in excess of \$50 and that when a gift of more than minimal value is tendered, the U.S. officer or official should advise the donor that it is contrary to the policy of the United States to accept such a gift. However, when it appears that to refuse a gift would cause offense or embarrassment to the donor or adversely affect the foreign relations of the United States, the gift may be accepted and deposited with the Chief of Protocol for disposal. Section 621.7 deals with the disposal of gifts and decorations which have been accepted as the property of the United States and provides that such a gift may be retained for official use by the appropriate agency with the approval of the Chief of Protocol. A gift so used continues to be the property of the United States and should remain in the agency at all times or forwarded to the Chief of Protocol for transfer to and disposal by the General Services Administration when its official use is no longer required.

4. With respect to gifts or decorations on deposit through 14 October 1966, Sec. 621.5 of the regulation states:

Any gift or decoration on deposit...on
October 14, 1966, shall, following written application to the Chief of Protocol and the appropriate agency, be released through the appropriate agency to the donee or his legal representative.
Such donee may also, if authorized by the appropriate agency, wear any decoration so released.
Approval for release will normally be given unless, from the special or unusual circumstances involved, it would appear to the Chief of Protocol to be improper to release the item. Any gifts or decorations not approved for release will become the property of the U.S. Government and will be used or disposed of in accordance with section 621.7.

- 5. In providing guidance to the Director of Personnel on the application of the 1966 Act to the Agency, this Office advised as follows:
  - a. Inasmuch as the intent of Congress in passing Public Law 89-673 was to make uniform the problem of accepting gifts for all Government employees and this Agency is not specifically exempt, I am of the opinion that we are subject to it.

- b. There is no legal objection to retaining gifts which are the property of the United States for official use when the Chief of Protocol is notified. Official use might include decorating an office wall or conference room with the gift, placing it on display within the Agency, or a similar use in an overseas post. However, the law prohibits the gift ever being turned over to the donee.
- c. When it is determined that a Government property gift which was presented to an Agency employee under official cover is not to be retained for official use, I am of the opinion the law requires, and good security dictates, forwarding it to the Chief of Protocol.

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e. On your specific question about General Cabell's rugs and other gifts being held on 14 October 1966, I would recommend attempting to gain their release pursuant to paragraph 4 above wherever operational and security considerations permit. OGC 68-1992, 10 October 1968.

6. In a subsequent 1970 memorandum, OGC advised the Director of Personnel that:

...Where an employee is under official cover and where Congress has specifically stated that the purpose of this new law is to make uniform the treatment of all Government employees who receive foreign gifts and awards, we are of the opinion that the law requires, and good security dictates, forwarding the gift to the Chief of Protocol for disposition. This point is raised because a member of your office has advised the Agency is still retaining gifts which are not to be used for official purposes. OGC 70-0735, ll May 1970.

- 7. Within both this opinion and the 1968 opinion we distinguished between official cover and non-official cover believing that the Director's charge to protect intelligence sources and methods from unauthorized disclosure created an unusual position with respect to Agency officers under non-official cover. For example, if a gift were presented to an Agency staff officer under non-official cover who ostensibly was the country representative for a large U.S. corporation, and this gift was deposited with the Chief of Protocol for disposition by the General Services Administration, the employee's non-official cover would be severely damaged. Additionally, a gift so presented might very well be needed to continue or maintain the cover at some future time. If the foreign official were coming to the United States and intended to visit the home of the donee it might, in fact, be necessary for the Agency to get the gift out of storage and return it to the employee for the duration of the donor's visit.
- 8. Agency regulations relating to acceptance, use and disposition of gifts from foreign governments are found at HR copy attached at Tab B. 25X1A This requires an employee to immediately submit a memorandum to the Director of Personnel advising of the receipt of a gift and provides for subsequent action by him and other interested Agency components. The regulation does not require recourse to the Chief of Protocol.
- 9. The Agency has gone officially to the Department on at least one occasion, and this was in February 1973 when the then Director of Personnel asked the Department for assistance on two gifts made to the wife of a Deputy Director -- a silver coffee-tea service (given in 1962) and a strand of pearls (given after October 1966). Hampton Davis, Assistant Chief of Protocol, responded that the coffe-tea service should have been deposited with the

Department until the Deputy Director retired (it was not) but because of the 1966 Act the Chief of Protocol concurred in passing the gift to the Deputy Director. He withheld concurrence on the pearls because he did not know if their value exceeded fifty dollars.

- 10. In August 1974 there was future review of the Agency's procedure for handling foreign gifts because of a GAO review of the subject requested by Senator Sparkman. The Office of Personnel dealt with a GAO auditor who was fully apprised of the Agency's procedures in this area, including the fact we did not go formally to the Chief of Protocol. At the conclusion of the exchange the auditor expressed his appreciation for the Agency's cooperation and advised he did not think CIA would be mentioned in the GAO report on gifts.
- Il. In late 1975 the Director and the General Counsel decided that the Agency should proceed to reach a formal agreement with State regarding the Agency's handling of gifts, and representatives of the Office of Personnel, Cover and Commercial Staff and OGC were tasked with accomplishing this. This was triggered, in part, by a report from Philip Buchen, Counsel to the President, for the Agency's policy postion on acceptance of gifts by its employees. The DDA responded to this by letter of 20 October 1975. This letter with attachments is at Tab C.
- 12. On 1 December 1975 the two Agency officers and I met with Hampton Davis and four other State officers, including a member of its Legal Counsel's Office and Ms. Jane Guilbault, who is directly responsible within State for disposition of gifts. We explained in detail the Agency's concerns for protecting the cover and the identities of Agency employees and the statutory bases under which we had been conducting our gifts program to date. We explored the possibility of establishing an in-house gift unit so that these operational and security ends might be realized, a proposal which met with mixed acceptance by the State officers. In addition, we wished to effect a formal agreement with the Department whereby we could avoid any question that the Agency was in compliance with the law and at the same time protect intelligence sources and methods. We stressed that we believed that while the Agency was not in compliance with the letter of the law it was certainly in compliance with the spirit of the law. The basic problem at State is that the gifts unit's files are unclassified and, by Ms. Guilbault's own statements, are open to reporters such as Maxine Cheshire. The State officers were generally receptive to both our interpretation of the law and to the idea of concluding a formal agreement. It was agreed that Mr. Chief, Benefits and Services Division, Office of Personnel, and Ms. Guilbault would commence working

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together so that the latter might clearly understand both the Agency's procedures and the magnitude of its problem, i.e., how many gifts we held. They have been in touch on several occasions and Ms. Guilbault has visited the Agency and its storage facilities to view the gifts. Attached at Tab D is a 17 March 1976 memorandum by Mr. which, with its attachments, explains their progress to date.

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13. With respect to Ms. Cheshire's current interest, namely, the Persian rug, it would seem that the thing we are trying to protect, namely, the cover of an Agency officer, is already out and that to defuse her concern we should ask Mr. to proceed immediately with Ms. Guilbault to secure permission to retain the rug within the Agency for official use. I believe that Mr. has developed sufficient rapport with Ms. Guilbault so that this could be done expeditiously.

Assistant General Counsel Chief, Operations & Management Law Division

Atts

Tabs A through D

25 August 1958

MEMORANDUM FOR: Director of Personnel

SUBJECT:

Disposition of Gifts From Foreign Governments

1. We have received your memorandum of 28 July 1958 regarding our views on the disposition of gifts presented to Agency employees by representatives of foreign governments. You pose two specific questions, as follows:

- "a. If a determination is made that the individual may not retain the gift, may there be a provision for returning it to him when he leaves Government service?
- "b. If a determination is made that the gift will be retained by the Agency, either indefinitely or pending the recipient's retirement or separation, may the gift be donated to a charitable organization, such as the Public Service Aid Society, for sale? (If it were intended that the gift ultimately be returned to the recipient, such sale would be made only upon his agreement.)"
- 2. Article 1, Section 9, Clause 8, of the Federal Constitution reads as follows:

"No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of Congress, accept of any present, Emolument, Office; or Title, of any kind whatever, from any King, Prince, or Foreign State."

Title 5, Section 115, of the U. S. Code reads: .

"Any present, decoration, or other thing which shall be conferred or presented by any foreign government to any officer of the United States, civil, naval, or military, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by act of Congress."

Approved For Release 2001/08/27 : CIA-RDP79-00498A000500010016-8

Post Harry

Section 115(a) of that trute reads an average

"TApproved For Release 2001708/27 CIA-RDR79-00498A000590010916-80se Congress and to each alternate Congress United States for whom the retired officers or employees of the United States for whom the Department of State under the provisions of Section 115 of this Title, is holding decorations, orders, medals or presents tendered them by Foreign Governments."

The President, on April 13, 1954, directed that after that date no requests should be submitted for the consent of Congress to accept such gifts for anyone except retired personnel.

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- 4. To reply specifically to your question a., above, the gift may be turned over to the employee only upon express authority of the Congress. We would, of course, have obvious security obstacles to overcome before seeking such legislation. Question b.must be answered in the negative. There is no authority for the Agency to dispose of the gifts; they are not Federal property.
  - 5. The impasse created by this situation—in the State Department it has become a genuine warehousing problem—together with a policy disagreement within the Executive Branch, in which the Congress has shown considerable interest, has led to the formation of the Interdepartmental Committee on Gifts, of which the General Counsel of this Agency is a member. This committee is to recommend legislation to Congress designed to solve the many problems incident to administrative control over these gifts. Enactment of such legislation is hoped for next session. We recommend deferring any further attempts at solution of this problem until Congress takes action, which action should provide guides for us to follow within the framework of our particular needs.

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Office of General Counsel

Charles Care

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Approved For Release 2001/08/27: CIA-RDP79-00498A000500010016-8

PROPERTY PARTIES

- (6) Lifts or decorations presented to a member of the immediate family or Approved For Release 2001/08/27/yeClarRDRIQ100498A000500010016028 presented to the employee.
  - (7) Personnel under cover will, as security and cover considerations dictate, comply with the regulations and practices of their cover organization regarding acceptance of gifts, money, or other items.
  - (8) The provisions of this subparagraph do not govern the acceptance of foreign decorations by military personnel when authorized by legislation.

#### e. REPORTING ACCEPTANCE OF GIFTS AND DECORATIONS

(1) REPORT BY EMPLOYEE. If an employee or a member of his immediate family or household receives a gift or a decoration from a foreign government, the employee will immediately submit a memorandum through channels to the Director of Personnel stating the names of recipient and donor; an identification or description of the item and its estimated value if a gift; and other pertinent information.

#### (2) RESPONSIBILITIES

- (a) Deputy Directors and Heads of Independent Offices will review each report submitted to them and advise the Director of Personnel of any security or cover circumstances which affect the disposition of the gift or award.
- (b) The Director of Personnel will
  - review each report, determine action to be taken, and advise the employee through channels regarding disposition of the gift or award;
  - (2) prepare and forward the necessary papers to Central Cover Staff when he approves an employee's retention of a decoration from a foreign government;
  - (3) notify the Honor and Merit Awards Board of foreign awards received by Agency personnel; and
  - (4) provide for storage or other disposition of awards or glits not approved for retention by recipients and of items accepted on behalf of the United States Government, including for the latter temporary loan to the recipient if operationally necessary.
- (c) The Central Cover Staff will request through cover channels the required concurrence of the Secretary of State in an employee's retention of a foreign decoration and notify the Director of Personnel of the action taken by the Secretary of State.

#### 1. ENGAGING IN RIOTS AND CIVIL DISORDERS

#### (1) DEFINITIONS

- (a) A riot is a public disturbance which involves the commission or threat of an act of violence by one or more persons part of an assemblage of three or more persons, which act does or would injure or damage the person or the property of another individual.
- (b) A civil disorder is a public disturbance involving acts of violence by assemblages of three or more persons, which acts cause an immediate danger of or result in damage or injury to the property or person of another individual.
- (c) A felony is an offense for which imprisonment is authorized for a term exceeding one year.

Revised: 9 July 1970 (555)

24

CONFIGURATION

October 20, 1975

The Honorable Philip W. Suchen Counsel to the President The White House Washington, D.C. 20500

Dear Mr. Buchen:

The Director, before he left Washington this afternoon to address the 71st Annual Dinner of the Navy League of the U.S. in New York this evening, asked that I have delivered to you, today, an Agency policy position on acceptance by its employees of gifts.

The policy statement is enclosed. With the policy statement is an accompanying extract of the appropriate Agency regulation on this matter. Minor deletions of language have been made from the Agency regulation so that we might present you with an unclassified document.

Sincerely,

Js/ John F. Blake
John F. Blake
Deputy Director
for
Administration

Enclosure (As Stated)

Distribution:

Original - Mr. Buchen w/Orig of Enclosure

1 - DCI w/cy of Enclosure 1 - ER w/cy of Enclosure

1 - C/Review Staff w/cy of Enclosure

1 - Special Counsel to DCT (Mr.

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( to October 1975)

STATINTL

## ACCEPTANCE OF GIFTS FROM FOREIGN GOVERNMENTS

STATINTL

The Agency's policy with respect to acceptance of gifts, awards or decorations from foreign governments is contained in Headquarters

Regulation

This regulation is patterned on regulations issued by the Secretary of the State as contained in 22 C.F.R. Part 3, which regulations draw their authority from 5 U.S.C. 7342 and E.O. 11320. Copies of these are attached.

A gift or decoration having a retail value not exceeding \$50 may be accepted and retained by an employee, but a gift in excess of \$50 is determined to have been accepted on behalf of the United States and must be deposited for use and disposal as the property of the United States. A gift or decoration to a member of an employee's immediate family or household is treated as a gift to him. Employees under official cover are directed by the regulation to comply with the regulations and practices of their cover organization. All employees are required to report all gifts to the Director of Personnel, and the Deputy Director responsible for the employee will review each report and advise the Director of Personnel of any security or cover circumstances affecting the distribution of the gift. The Director of Personnel is required to make a determination regarding the disposition of the gift and in those cases where the employee may not retain it, the Director of Personnel is required to provide for its storage or other disposition. If there is a substantial operational necessity, the Director of Personnel may permit the employee to be given the temporary loan of the gift, i.e., upon the occasion of a visit by the foreign donor. Certain gifts are also retained by the agency for purposes of official use such as display within offices but it is clearly understood that the items are the property of the United States.

- d. Acceptance of Gifts, Awards and Decorations
  - (1) Government employees are forbidden by law to give presents to official superiors or accept them from employees receiving lower salaries than themselves.
  - (2) No Agency employee may solicit or accept directly or indirectly, from any person, corporation, or group, domestic or foreign, anything of economic value such as gift, gratuity, or favor, if it might reasonably be interpreted by others as being of such a nature that it could affect his impartiality as an Agency employee, or if the employee has reasons to believe that the giver
    - (a) has or is seeking to obtain contractual or other business relationships with the Agency;
    - (b) has interests which may be substantially affected by the employee's performance or nonperformance of his official duty; or
    - (c) is in any way attempting to influence the employee's official actions.
  - It is recognized that in certain relationships (3)arising out of the special functions of this Agency, ------- ----,\* it may be necessary for operational reason for an employee to participate in an exchange of gifts. There is no intent to interfere with such exchanges where operationally necessary. When a Government employee receives a gift from someone having a contractual relationship with the Government, there is a presumption of an intent to influence the employee's official decisions or actions. The circumstances of the ---- relationship may serve to rebut this presumption. Some factors that may be considered in rebuttal are local custom, the operational relationship, and the value of the gift. Employees are to do nothing to encourage the presentation of gifts to themselves and will accept gifts only when in their best judgment

refusal would interfere with the relationship --- -- to such a degree as to result in harm to operations.

- (4) No Agency employee may request or otherwise encourage the presentation of a decoration or gift from a foreign government; however, decorations or other items of honorary value which are received may be retained by the recipient, subject to approval by the Director of Personnel and concurrence of the Secretary of State.
- (5) A gift other than a decoration having a retail value not exceeding \$50 in the United States may be accepted and retained; but a gift exceeding \$50 in value is deemed to have been accepted on behalf of the United States and will be deposited by the donee for use and disposal as the property of the United States.
- (6) Gifts or decorations presented to a member of the immediate family or household of an employee are considered gifts or decorations presented to the employee.
- (7) Personnel -----\* will, as security --- ----\* considerations dictate, comply with the regulations and practices of their ----\* organization regarding acceptance of gifts, money, or other items.
- (8) The provisions of this subparagraph do not govern the acceptance of foreign decorations by military personnel when authorized by legislation.
- e. Reporting Acceptance of Gifts and Decorations
  - (1) Report by Employee. If an employee or a member of his immediate family or household receives a gift or a decoration from a foreign government, the employee will immediately submit a memorandum through channels to the Director of Personnel stating the names of recipient and donor; an identification or description of the item and its estimated value if a gift; and other pertinent information.
  - (2) Responsibilities
    - (a) Deputy Directors and Heads of Independent Offices will review each report submitted to

them and advise the Director of Personnel of any security -- --- circumstances which affect the disposition of the gift or award.

- (b) The Director of Personnel will
  - (1) review each report, determine action to be taken, and advise the employee through channels regarding disposition of the gift or award;
  - (2) prepare and forward the necessary papers
    -----\* when he approves
    an employee's retention of a decoration
    from a foreign government;
  - (3) notify the Honor and Merit Awards Board of foreign awards received by Agency personnel; and
  - (4) provide for storage or other disposition of awards or gifts not approved for retention by recipients and of items accepted on behalf of the United States Government, including for the latter temporary loan to the recipient if operationally necessary.
- (c) The ----- ---- will request through ----\* channels the required concurrence of the Secretary of State in an employee's retention of a foreign decoration and notify the Director of Personnel of the action taken by the Secretary of State.

<sup>\*</sup> Deleted words portain to intelligence sources and methods and have been deleted so that document can be unclassified.

Title 3--Chapter II

E. O. 11320

manent residence. However, officers and employees of ESRO, whatever their nationality, shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions except insofar as such immunity may be waived by ESRO.

### Executive Order 11319

AMENDING EXECUTIVE ORDER NO. 10707, ESTABLISHING A SEAL FOR THE UNITED STATES COAST GUARD

By virtue of the authority vested in me as President of the United States, and upon the recommendation of the Secretary of the Treasury, Executive Order No. 10707 of May 6, 1957, is amended by substituting for the second paragraph of the order the following:

On a white disk the shield of the Coat of Arms of the United States (paly of thirteen pieces argent and gules a chief azure) between the motto "SEMPER PARATUS" in red; circumscribed by a white annulet edged and inscribed "ONITED STATES COAST GUARD 1790" in blue all in front of two crossed anchors with stock, arms, and flukes in slight perspective in gold; superimposed upon a light blue disk with gold rope rim.

THE WHITE HOUSE, December 9, 1966.

#### Executive Order 11320

DELEGATING AUTHORITY TO PRESCRIBE RULES AND REGULATIONS
RELATING TO FOREIGN GIFTS AND DECORATIONS

By virtue of the authority vested in me by Section 7 of the Foreign Gifts and Decorations Act of 1966 (Public Law 89-673; 80 Stat. 952) and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The Secretary of State, and, when designated by the Secretary of State for such purpose, the Under Secretary of State, are hereby designated and empowered to exercise, without the approval, radification, or other action of the President, the authority conferred upon the President by Section 7 of the Foreign Gifts and Decorations Act of 1966 to prescribe rules and regulations to carry out the purposes of that Act. Such rules and regulations shall be published in the Federal Register.

The White House, December 12, 1966.

\*ACFR, 1954-1958 Comp., p. 354; 23 F.R. 3241

to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.

However, a gift of more than minimal value is deemed to have been accepted on behalf of the United States and shall be deposited by the dones for use and disposal as the property of the United States under regulations prescribed under this section.

(d) Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the agency, office or other entity in which the employee is employed and the concurrence of the Secretary of State. Without this approval and concurrence, the decoration shall be deposited by the dones for use and disposal as the property of the United States under regulations prescribed under this section.

(e) The President may prescribe regulations to carry out the purpose of this section. (Added Pub. L. 90-83, § 1(45) (C), Sept. 11, 1967,

81 Stat. 208.)

### SUBCHAPTER V-MISCONDUCT

### § 7351. Gifts to superiors

· An employee may not—

(1) solicit a contribution from another employee for a gift to an official superior;

(2) make a donation as a gift to an official superior; or

(3) accept a gift from an employee receiving less pay than himself.

An employee who violates this section shall be removed from the service. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 527.)

§ 7352. Excessive and habitual use of intoxicants

An individual who habitually uses intoxicating beverages to excess may not be employed in the competitive service. (Pub. Ir. 89-554, Sept. 6, 1966, 80 Stat. 527.)

## CHAPTER 75—ADVERSE ACTIONS

SUBCHAPTER I COMPETITIVE SERVICE

Sec.

7501. Cause; procedure; exception.

SUBOHAPTER II—PREFERENCE ELICIBLES

SEC.

7511 Definitions.

7512. Cause; procedure; exception.

SUBCHAPTER III—HEARING EXAMINERS

SEC.

7621. Removal.

SUBCHAPTER IV-NATIONAL SECURITY

SEC.

7531. Definitions.

\*7532. Suspension and removal. 7583. Effect on other statutes.

§ 7327. Political activity permitted; employees residing in certain municipalities

(a) Section 7324(a) (2) of this title does not apply to an employee of The Aleska Reilroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Civil Service Commission may prescribe regulations permitting employees and individuals to whom section 7324 of this fitle applies to take an active part in political management and political cempaigns involving the municipality or other political subdivision in which they reside, to the extent the Commission considers it to be in their domestic interest, when-

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed

by the Government of the United States; and

(2) the Commission determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation. (Pnb. L. 89-554, Sept. 6, 1986, 80 Stat. 526.)

Subchapter IV—foreign gifts and decorations

§ 7341. Repealed: Pnd. L. 90-83, § 1(45)(B), Sept. 11, 1967, 81 Stat. 208.

\$7342. Receipt and disposition of foreign gifts and decorations

. (a) For the purpose of this section-(1) "employee" means

- (A) an employee as defined by section 2105 of this title;
  (B) an individual employed by, or occupying an office or
  position in, the government of a territory or possession of
  the United States or of the District of Columbia;
  - (C) a member of a uniformed service;

(D) the President; (E) a Member of Congress as defined by section 2106 of

this title; and

(F) a member of the family and household of an individual described in subparagraphs (A)-(E) of this paragraph; -

(2) "foreign government" means a foreign government and an

official agent, or representative thereof;

(3) "gift" means a present or thing, other than a decoration, tendered by or received from a foreign government; and

(4) "decoration" means an order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government. (b) An employee may not request or otherwise encourage the

tender of a gift or decoration. (c) Congress consents to—

(1) the accepting and retaining by an employee of a gift of minimal value tendered or received as a souvenir or mark of

(2) the accepting by an employee of a gift of more than minimal value when it appears that to caluse the gift would be likely

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cation in turn when applicable. The Chief of the Office of Protocol will place on the roster of persons "duly notified to the United States" the names of all persons currently accredited and, when applicable, notified in turn, and will maintain the roster as part of the official files of the Department of State adding to and deleting therefrom as changes in accreditations occur.

For those persons not normally accredited, the Chief of Protocol shall determine upon receipt of notification, by letter from the foreign government or international organization concerned, whether any person who is the subject of such a notification has been duly notified under the Act. Any inquiries by law enforcement officers or other persons as to whether a person has been duly notified shall be directed to the Chief of Protocol. The determination of the Chief of Protocol that a person has been duly notified is final.

(18 U.S.C. 1118(b)(2), 1118(c)(4); sec. 4 of the Act of May 28, 1949, as amended (22 U.S.C. 2658)) [Dept. Reg. 103.679, 37 F.R. 24818, Nov. 22, 1972]

#### § 2.4 Designation of official guests.

The Chief of Protocol shall also maintain a roster of persons designated by the Secretary of State as official guests. Any inquiries by law enforcement officers or other persons as to whether a person has been so designated shall be directed to the Chief of Protocol. The designation of a person as an official guest is final. Pursuant to section 2558 of title 22 of the United States Code, the authority of the Secretary of State to perform the function of designation of official guests is hereby delegated through the Deputy Secretary of State to the Deputy Under Secretary of State for Management.

(13 J.S.C. 1116(b) (2), 1116(c) (4); sec. 4 of the Act of May 26, 1949, as amended (23 U.S.C. 2653)) [Dept. Reg. 103.679, 37 F.R. 24818; Nov. 22, 1972] . . . .

#### § 2.5 Records.

The Chief of Protocol shall maintain as a part of the official files of the Department of State a cumulative roster of all persons who have been duly notified as foreign officials or designated as official guests under this Part. The roster will reflect the name, position, nationality, and forelyn government or international organization concerned or purpose of visit as an official guest and reflect the date the person was accorded recognition as being "duly notified to

the United States" or designated as an official guest and the date, if any, of termination of such status.

(18 U.S.C. 1118(b)(2), 1113(c)(±); ≥≥c. ≰ o≥ the Act of May 28, 1949, as amended (23 UE.C. 2658)) [Dept. Reg. 103.579, 37 FR. 24318, Nov. 22, 1973]

#### PART 3-ACCEPTANCE OF GIFTS AND DECORATIONS FROM FOREIGN -GOVERNMENTS

3.1 Purpeas.

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Definitions. 3.3

- no erotteroseb bas estilg to esseloss deposit in the Department of State through October 14, 1966.
- Gifts and decorations received by any person after October 14, 1988.
- Use or disposal of gifts and decorations Which become the property of the United States.
- 3.7 Revocation of previous regulations.

AUTHORITY: The provisions of this Part 3 issued under sec. 4, 63 Stat. 111, as amended, sec. 7, 80 Stat. 952; 22 U.S.C. 2653, 2626, E.O. 11320, 31 FR 15789; 3 CFR 1968-1970, page 659.

Source: The provisions of this Part 3 contained in Dept. Reg. 103.556, 33 P.R. 6569, Apr. 28, 1987, unless otherwise noted.

#### § 3.1 Purpose.

The purpose of this part is to establish uniform basic standards for the acceptance of gifts and decorations from foreign governments by U.S. Government officers and employees, including mem-. bers of the armed forces, and members of their families.

#### § 3.2 Application of this part.

This part applies to all persons occupying an office or a position in the Executive, Legislative and Judicial branches of the Government of the United States.

....

#### § 3.3 Definitions

As used in this part—

s(a) The term "person" includes every person who occupies an office or a position in the Government of the United States, its territories and possessions, the Canal Zone Government, and the Government of the District of Columbia, or is a member of the Armed Forces of the United States, or a member of the family and household of any such person. For the purpose of this part, "member of the family and household" means a relative by blood, marriage or adoption who is a resident of the household.

(b) The term "foreign government" includes every foreign government and every official, agent, or representative thereof.

(c) The term "gift" includes any present or thing, other than a decoration, tendered by or received from a foreign government.

(d) The term "decoration" includes any order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(e) The term "slit of minimal value" includes any present or other thing, other than a decoration, which has a retail value not in excess of \$50 in the United States.

(f) The term "outstanding or unusually meritorious performance" includes performance of duty by a person determined by the appropriate agency to have contributed to an unusually significant degree to the furtherance of good relations between the United States and the foreign government tendering the decoration.

(g) The term "special or unusual circumstances" includes any circumstances which would appear to make it improper for the donee to receive a gift or decoration, and also includes, in some instances, the very nature of the gift itself.

(h) The term "appropriate agency" means the department, agency, office, or other entity in which a person is employed or enlisted, or to which he has been appointed or elected. If the done is not so serving, but is a member of the family and household of such a person, then the "appropriate agency" is that in which the head of the household is serving.

(1) The term "approval by the appropriate agency" includes approval by such person or persons as are duly authorized by such agency to give the approval required by these regulations.

(j) The term "Chlet of Protocol" means the Chlet of Protocol of the Department of State.

Any gift or decoration on deposit with the Department of State on the effective date of this part shall, following written application to the Chief of Protocol and subsequent approval by the 'Chief of Protocol and the appropriate agency, he released through the appropriate agency to the dones or his legal representative.

Such dones may also, if authorized by the appropriate agency, wear any decoration so released. Approval for release will normally be given unless, from the special or unusual circumstances involved, it would appear to the Chief of Protocol to be improper to release the item. Any gifts or decorations not approved for release will become the property of the U.S. Government and will because or disposed of in accordance with the provisions of § 3.6.

§ 3.5 Gifts and decoming received by any person after October 14, 1966.

(a) General policy. No person shall, request or otherwise encourage the tender of a glit or decoration.

(b) Gifts of minimal value. Subject: to individual agency regulations, table favors, mementos, remembrances, or other tokens bestowed at official functions, and other gifts of minimal value received as souvenirs or marks of courtesy from a foreign government may be accepted and retained by the donee. The burden of proof is upon the donee to establish that the gift is of minimal value as defined by this part.

(c) Gifts of more than minimal value, where a gift of more than minimal value is tendered, the donor should be advised that it is contrary to the policy of the United States for persons in the service thereof to accept substantial gifts. If, however, the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the gift may be accepted and shall be deposited with the Chief of Protocol for disposal in accordance with the provisions of § 3.6.

(d) Decorations. Decorations celved which have been tendered in recognition of active field service in connection with combat operations, or which have been awarded for outstanding or unusually meritorious performance, may be accepted and worn by the dones with (1) the approval by the appropriate agency and (2) the concurrence of the Chief of Protocol Within the Department of State, the decision as to whether a decoration has been awarded for outstanding or unusually meritorious performance will be the responsibility of the supervising Assistant Secretary of State or comparable officer for the person involved. In the absence of approval and concurrence under this paragraph, the decoration shall become the property of

the United States and shall be deposited by the done with the Crief of Protocol (a) Termination of our and approved For Release 2001/08/27: the CIA-RDP 79-064-98/A0005000 10016-8 the provisions of § 3.6. Nothwithstanding the foregoing, decorations tendered to U.S. military personnel for service in Viet-Nam may be accepted and worn as provided by the Act of October 19, 1985, Public Law 89-257, 79 Stat. 982.

§ 3.6 Use or disposal of gifts and deco-, rations which become the property of the United States

Any glit or decoration which becomes the property of the United States under this part may be retained for official use by the appropriate agency with the approval of the Chief of Protocol. Gifts and decorations not so retained shall be forwarded to the General Services Administration by the Chief of Protocol for transfer, donation, or other disposal inaccordance with such instruction as may be furnished by that officer. In the acsence of such instructions, such property will be transferred or disposed of by the General Services Administration in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and the Federal Property Management Regulations (41 CFR Ch. 101, Subchapter H). Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet, shall be used in reporting such property, and the Foreign Gifts and Decorations Act of 1966 shall be cited on the reporting document. Such reports shall be submitted to General Services Administration, Region. 3. Attention: Property Management and Disposal Service, Seventh and D Streets SW., Washington, D.C. 20407.

§ 3.7 Revocation of previous regula-· mous.

The regulations in this part shall supersede all regulations heretofore in effect concerning the acceptance of gifts and decorations from foreign governments to persons in the service of the United States or to members of their familles.

#### Part 4—Notification of Foreign. OFFICIAL STATUS

4.1 Persons required to give notification.

4.2 Persons exempted from the requirement . "Toldsoliton evin ote

4.3 Form to be used in giving notification.

4.4 Form required in duplicate.

Time limit for the submission of the

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issued under sec. 10, 56 Stat. 257, sec. 4, 63 Stat. 111, 23 amended; 22 U.S.C. 620, 2858.

Source: The provisions of this Part & appear at 22 P.R. 10788, Dec. 27, 1957, unissa otherwise noted.

§ 4.1 Persons required to give notification.

All persons who are entitled to exemption from the registration and fingerprinting requirements of the Alian Registration Act of 1940 (54 Stat. 670), as amended, are required to give notification to the Secretary of State of their presence in the United States. Such persons comprise foreign government. officials, members of their families (including relatives by blood or marriage regularly residing in or forming a part of their household), and their employees and attendants.

§ 4.2 Persons exempted from the requirement to give notification.

Ambassadors and ministers, and members of their missions named in the Diplomatic List issued monthly by the Department of State, are exempted from the requirement to give notification to the Secretary of State under this part.

§ 4.3 Form to be used in giving notification.

A Notification of Status with a Foreign Government form is to be used by the several diplomatic missions in Washington in giving notification of foreign official status to the Secretary of State.

§ 4.4 Form required in duplicates

The form is to be submitted to the Secretary of State in duplicate.

- § 4.5 Time limit for the submission of the form.
- (a) The form is to be submitted within 30 days after the arrival of the foreign official in the United States or after a change from a nonofficial to an official status.
- (b) If the official status claimed is not recognized by the Secretary of State, the person submitting the form must register within another 30 days under the -- requirements of the Alien Registration \_ Act.
  - § 4.6. Termination of official status and departure from the United States.
  - . (a) The diplomatic missions in Washington should notify the Secretary of

39-050--75---2

1 7 MAR 1976

MEMORANDUM FOR: Chief, Cover and Commercial Staff

ATTENTION

Mr.

25X1A

FROM

25X1A

Chief, Benefits and Services Division

SUBJECT

Foreign Gifts and Decorations

- 1. Attached is a copy of my memorandum for record regarding the last meeting with State on foreign gifts and decorations (TABA). Miss Guilbault seemed optimistic that her office would be flexible regarding the amount of information required when we forward items to Protocol.
- 2. If possible, I would like to begin a review of the foreign gifts now on deposit with the Agency to determine those that could be forwarded to Protocol and the amount of information which could be provided. Attached is a copy of our last inventory (TAB B). It is requested that a review of the inventory be initiated to determine:
  - a. Gifts under \$50 received prior to October 14, 1966 can be released to individuals or their families based upon prior discussions with Protocol. Indicate any cover problems or restrictions in the release.
  - b. Gifts over \$50 received prior to October 14, 1966 may be released to individuals or their families upon concurrence of Protocol. Indicate any cover problems or restrictions in seeking concurrence or releasing gifts.
    - c. Gifts over \$50 received after October 14, 1966.
      Indicate any cover problems or restrictions in forwarding these gifts to Protocol or in seeking concurrence to retain selected items for official use and display.

25X1A



Atts

10 February 1976

STATINTL

MEMORANDUM FOR RECORD

FROM

Chief, Benefits and Services Division

SUBJECT: Foreign Gifts

STATINTL

- 1. Miss Jane Guilbault and Mr. Richard Gookin of the Protocol Office, Department of State, visited Miss and me today at our invitation. I reviewed the discussions held at State in December with our Committee members on foreign gifts and decorations. Then I explained our regulations and procedures for handling this program.
- 2. Miss Guilbault told us how she processes foreign gifts turned into State from other agencies. She waits until she has a large number of items and then four or five times a year she forwards a group of gifts to GSA for disposition as appropriate. There has been only one public auction of such items by GSA and it was apparently not considered a success.
- 3. Protocol may approve the retention of foreign gifts or decorations by agencies for official use. They have a strict interpretation of this provision and insist that it be established that it would be appropriate to display such an item in the office. They will not, for instance, approve the retention of a watch for official use. In a test case Defense held that the officer needed to have the watch in the event of a visit of the foreign official who had presented the gift. State held that this was not an official use within the context of the established rules and regulations.
- 4. At the conclusion of our meeting, Miss Guilbault agreed to pursue the following with the Chief, Protocol:
  - a. Receipt of foreign gifts and decorations from CIA with a minimum of information. The donor, donee, country of origin and time of receipt may or may not be recorded depending upon circumstances. We would have back-up information if an official need was later established.
  - b. The Agency would forward four or five gifts or decorations at a time to avoid the attention a large group of gifts might receive.

- c. The gifts or decorations would be forwarded by memorandum to Chief, Protocol and Miss Guilbault would sign a copy as a receipt for the courier.
- d. A similar procedure to approve the retention of gifts or decorations by the Agency for official use and display.
- 5. If we can reach agreement on the above items, there will remain a continuing need for a "cooling off" period before a majority of gifts and decorations are turned over to State. This would be used to insure that a particular gift is not used to link a donor or donee with the Agency. In both of our meetings with State we have raised this point and indicated that we consider the temporary retention of foreign gifts or decorations by the Agency as an official use to protect intelligence sources and methods.

STATINTL

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Remarks:							
Mr.							STATINTL
Attached is the listing you requested. Please note that this is not a complete listing of gifts received by Agency employees but reflects only those which have been forwarded to Records Center for							
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2 April 1976

MEMORANDUM FOR: Chief, Information Systems Analysis Staff

FROM : Chief, Agency Records Center STATINTL

SUBJECT : Foreign Gift Program

The following gifts have been received by the Records Center from the Office of Personnel.

who has the responsibility for forwarding and recalling the gifts from the Records Center.

STATINTL

GIFT NO.		DESCRIPTION	DATE RECEIVED
4 5 7 8 9		WATCH	2/59
5		BOKARA RUG	6/59
7		RING	9/58
8		SWORD	1960
9		WATCH	1960
		PAINTING	1961
12		CIGARETTE CASE	1961
24		DAGGER	3/60
25		ANTIQUE FIREARM	1/60
27		PERSÍAN RUG	4/60
29		PERSIAN RUG	9/60
30		RUGS	11/61
31		SCREENS-SILVER TRAY	6/61
32		RING	2/61
40		SILVER TEA SERVICE	9/62
41		WATER JUG	9/62
44		EARRINGS-PENDANT	5/65
65		SILVER CANDY BOX	5/65
66		SILVER STATUE	5/65
71		RING	5/65 STATINTL
72	·	SCREEN ,	3/65
96	•	TURKOMAN RUG	3/64

	GIFT NO.	DESCRIPTION	DATE RECEIVED
	97	SILVER BOWL	1964
	116	PLATE-WATER PITCHER	3/68
	124	IVORY STATUE	10/69
	127	WATCH	8/69
	129	WATCH	8/69
	132	AMETHYST JEWELRY	10/69
	134	WATCH	1/69
	135	AMETHYST JEWELRY	10/69
STATINTL	136	AMETHYST JEWELRY	1/70
,	137	FLOWER BOWL AND STAND	2/70
Teel	138	WATCH	11/72
solotee &	-140	LEOPARD SKIN-Dr.H.KIS	
	39 42 44	SILK SCREENS	12/72
	42	COINS	9/74 STATINTL
	44	SOAPSTONE STATUE	9/74
्रभ	T 4 7	GOLD COIN PENDANT	3/75
	148	THREE STEM CANDELABRA	5/75
i	149	ROLEX WATCH	8/75
	151	9 MM PISTOL	8/75
:	153	RUG	11/75
ner.	154	WATCH	1/76
	155	STERLING SILVER TRAY	1/76
	156	WATCH	3/76

STATINTL